IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1046 (MS) OF 2006

1. Harmod Singh,
   S/o Banta Singh,
2. Sukhwnider Singh,
3. Indrajeet Singh,
   Both Ss/o late, Jarnail Singh,
   Under the guardianship of their mother, Smt. Manjeet Kaur.
4. Satpal Singh,
5. Jagir Singh,
6. Jaspal Singh,
7. Kernail Singh,
   S/o Gurudev Singh,
   All R/o Village-Pandari, Tehsil – Sitarganj,
   District-Udham Singh Nagar. .....Petitioners.

Versus

1. State of Uttaranchal, through District Magistrate Udham Singh Nagar.
2. S.D.M./Assistant District Magistrate, Sitarganj, District-Udham Singh Nagar.
3. Tehsildar, Sitarganj, District-Udham Singh Nagar.
4. Gram Sabha, Pandari, Tehsil-Sitarganj,
   District-Udham Singh Nagar, through its Gram Pradhan,
5. Mehji Prasad, S/o Munnar,
6. Basant Prasad, S/o Shiv Pujan,
7. Ram Avadhesh S/o Mehandi Prasad,
8. Lal Chand, S/o Ghuran Prasad,
9. Rajiv
10. Brij Mohan,
    Both Ss/o Shivdan Prasad,

11. Morang Prasad, S/o Sri Ratan,
12. Rajesh
13. Ravindra
    Both Ss/o Ram Dhani,
14. Ramesh S/o Hemraj,
15. Bali Ram, S/o Tapsi.
16. Suraj Pal, S/o Jagannath.
17. Ram Kishan, S/o Ram Naresh.
18. Ram Suresh, S/o Ram Hari,
19. Chandra Bhan, S/o Swaminath.
20. Nathu, S/o Pritam.
21. Hrishipal, S/o Gokul.
22. Rajendra, S/o Dhanpal.
23. Smt. Pushpa Devi, W/o late Jhamman Lal.
24. Avadhesh Kumar, S/o Gulab Chand,
25. Gulam Sabir, S/o Habibullah,
26. Kubra Begam, W/o Anwaar Ahmed,
27. Rajendra, S/o Bharat.
28. Lalji, S/o Nebulal,

    All R/o Village-Pandari, Tehsil-Sitarganj,
    District-Udham Singh Nagar. .....Respondents.

Dated: 04.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Kandpal, Sr. Advocate, assisted by Sri S.S. Chaudhary & Kurban Ali, Advocates for the petitioners and Standing Counsel for the respondents no. 1 to 3.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the lease deed granted in favour of the respondent No. 5 to 28 on 12.05.2000 (the lease granted in favour of respondent no. 28). Further prayer has been made for a writ of mandamus commanding and directing

the respondent authority no. 1 to 4 to restrain the respondents no. 5 to 28 from interfering in the peaceful possession of the petitioners. Further prayer has been made for a writ of mandamus for expeditious disposal of the matter of cancellation of lease deed by respondent no. 1 maintaining the status quo on the land in dispute.

First two prayers are not pressed by the petitioner. Counsel for the petitioner has confined his third prayer for expeditious disposal of the suit filed by him for cancellation of the lease deed.

The grievance of the petitioners is that since they are facing eviction under the public premises (Eviction of Unauthorized Occupant) Act in respect of the same land, therefore, cancellation proceedings are sought to be expedited. The aforesaid fact has been stated in paragraph 4 of the Suit filed under Section 198 (4) of the U.P.Z.A. & L.R. Act.

In view of the aforesaid fact, District Magistrate is directed to decide Suit No.22/1278 of 1978/79 filed under Section 198(4) of the U.P.Z.A. & L.R. Act within a period of four months from the date of presentation of the certified copy of this order.

The petitioner apprehends that the respondent shall take steps to evict the petitioners inspite of the fact the suit for cancellation under Section 198 (4) of the U.P. Z.A. & L.R. is pending.

In view of the above, the petitioner shall not be evicted except in accordance with law.

Subject to the aforesaid observations, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

04.08.2006
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